

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
AUGUST 18, 2009
6:00 P.M.**

1. The meeting was called to order at 6:01 p.m. Declaration of a quorum present was given. The Flag salute was lead by Chief Carter and the Invocation was given by Councilman Christian Portwood.

ROLL CALL

PRESENT

Mayor Pat Woolley
Vice-Mayor Nancy Olson
Councilman Phil Owens (arrived at 6:02 p.m.)
Councilman Dean Johnson
Councilman David Dirkschneider
Councilman Mike Gossman
Councilman Doug Davis
Councilman Christian Portwood

ABSENT

Councilwoman Cathy Maxey

STAFF PRESENT

Robert Jernigan, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Scott Barrett, City Engineer
Wiley Rice, City Planner
Pamela McDowell-Ramirez, City Clerk

2. Presentation of a 15 year service pin to Det. John Gray.

Chief Carter presented Jeff Weisbrod with his Firefighter badge for completion of his year of probation. The Mayor presented John Gray with a 15 year service pin.

3. Call to the Public.

Lois Miers complained to the council about the recent newsletter concerning a sales promotion for a business that is not in Warr Acres and the money would go to the Beautification program that is headed up by a person that works for the

business doing the promotion. She also made comments about the Salvation Army and their use of the Community Center.

Items 21 and 22 were heard after item 3.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.

A. Approval of the minutes from the Regular meeting of July 21, 2009. *****

B. Approval of Expenditures *****

General Fund	\$ 103,276.08
PST Fund	\$ 1,850.17
CIP Fund	\$ 12,482.83

C. Approval of Actual Expenditures for July 2009 and Proposed Expenditures for August 2009. *****

D. Sales Tax History Report. *****

E. Approve normal retirement for Brad Seale under the Defined Benefit Plan and the Defined Contribution Plan.

F. Approve supplemental appropriations of a \$100 donation to the Fire Department.

Motion by Olson, second by Owens to approve the consent docket. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Discussion and possible action on items removed from the consent docket.

Moot.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. *****

Chief Carter stated that all engines are in service and the Mayor stated that the new truck would be here September 1st.

PWD Turman told the council that they were working on three manhole rehabilitation projects. One at 42nd, one at Donald and one at Shoreline. He told that they had tried doing street sweeping earlier in the month and they would need to do some prep work in the streets before they try it again. He said that Putnam City parking lot is in the final stage, they are working on 40th doing repairs to the

street, and Golden Corral is now open. He said that he and the Engineer have put together a list of Ward IV streets to repair and now they are working on Ward III. Councilman Gossman asked about pulling of the overlay on Stanley and tarring the streets. PWD Turman stated that those are some of the options they are looking at.

Item 11 was heard after item 6.

7. MS4 Storm Water Quality Program Report by the City Engineer.

Engineer Barrett gave a report on the MS4 Storm Water Quality Program as required under federal law.

CITY OF WARR ACRES
STORM WATER QUALITY PROGRAM

Report to the City
Council 6:00 pm,
August 18, 2009

Warr Acres continues to perform its responsibilities under Phase 2 of the Clean Water Act to address storm water quality issues within our City. These issues address quality of storm water runoff from existing and proposed commercial, residential and industrial sites; from construction sites; and from post construction sites.

The program is often referred to as MS4 which stands for Municipal Separate Storm Sewer Systems. Each city, including The City of Warr Acres, has developed its own unique plan for compliance with the requirements of the MS4 program. This plan is known as a BMP, or Best Management Practices. It incorporates many concepts including public education, public outreach, construction site runoff, post construction runoff, illicit discharges and in-house maintenance. All of these areas are targeted toward the reduction of pollutants, litter and sediments from entering our streams.

The Storm Water Quality Program is administered through the office of the Director of Public Works with assistance from the City Engineer, the City Attorney and the Fire Chief.

Among the requirements of the Warr Acres Best Management Practices is for the City Engineer to brief the Planning Commission twice per year about the program and current efforts. The following items are going to be brought to the attention of the City within the next few months:

1. The City Attorney is preparing a draft amendment to the Storm Water Quality Ordinance which will expand the ordinance to incorporate the rules, regulations, permits and requirements for implementation of the Storm Water Quality Program under the jurisdiction of the Director of Public Works. That draft ordinance will be presented to the City Council at the regular meeting on

August 18 for information and discussion. After receiving comments, it will be revised and placed on the September City Council agenda for discussion and possible action.

2. Concurrent with the review of the drainage ordinance, new city standards have been developed by the City Engineer for contractors and developers to follow when implementing the erosion and sediment control requirements for construction and post construction activities. These standards will be presented to the City Council on the August 18 agenda for information and discussion and will be on the September agenda for discussion and possible action.

3. The City of Warr Acres will be conducting an open forum style public information meeting on from 3:00 to 7:00 pm on Thursday, September 24 at the Community Center. This meeting will provide opportunities for public education about storm water quality issues and public outreach to solicit involvement on storm water quality activities.

4. The City of Warr Acres is planning to conduct a Fall Clean-Up of the City on the morning of Saturday, September 26. Details of this event are still being worked out.

Engineer Barrett told the council that there would be a public information meeting at the Community Center on September 24th from 3:00 p.m. to 7:00 p.m. and that he would give them another report in six months as required by law.

8. Discussion and possible action to approve the final payment application from Cimarron Construction Inc. in the amount of \$68,848.00 for work completed on the Pines Dam project. The Pines Home Owners Association will reimburse the City for \$28,205.00 of this amount per agreement. ****

Motion by Johnson, second by Portwood to approve the payment upon receiving the necessary letters of completion from the city's engineer, the Pines Homeowners engineer and the Oklahoma Water Resources Board. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Maxey, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Engineer Barrett stated that the manhole work took care of one of the DEQ requirements.

9. Discussion and Possible action to approve Change Order No. 1 for the Temporary Flow Monitoring Study. This Change Order extends the Contract time by four (4) calendar weeks which results in an increase in the contract amount of \$13,740.00. The new contract amount is \$41,580.00.

Engineer Barrett told the council that with the recent rains they were able to get some good readings and they would be removed next week. He said that they did not get rain in June and the rain at the end of July absorbed into the ground since it was so dry. However, the rains in August have given them the information they need. He said once the meters are removed they will receive an engineering report.

Motion by Owens, second by Dirkschneider to approve the Change Order and appropriate the funds. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

10. Discussion and possible action on reinstating vacation time for CEO Greenwood at the 5 weeks per year rate. ****

Councilman Owens asked if this was the third time this item had been on the agenda. Councilman Gossman stated that it had been on 3 or 4 times and voted down each time and questioned why it was back on again. He asked how many times they have to see this item on the agenda. He said that it is slap in the face to all the city employees to give this to Greenwood, he left employment and came back. He said that when you hire on you know what you are going to get. Councilman Portwood stated that he felt they had the option to approve this and felt that it would be the right thing to do. He said that Mr. Greenwood has 25 years of experience with the city. Councilman Dirkschneider stated that he felt it was a slap in the face if they don't give it to him. He was a 25 year employee and has done a great job. PWD Turman stated that Mr. Greenwood has done a great job as Code Enforcement Officer. It was mentioned that he was now a non-contract employee but he still wanted the benefits as a Police officer with the five weeks vacation. Councilman Dirkschneider asked how many weeks non-contract employees get after 25 years. Clerk Ramirez stated that it was the same for contract and non-contract. Councilman Gossman stated that Mr. Greenwood left employment and then came back. Clerk Ramirez stated that it was on the agenda to hire him before he retired but was continued to a meeting after he retired. Councilman Gossman stated yes but there were some other issues.

Motion by Dirkschneider, second by Portwood to approve the five weeks vacation. Poll vote: Johnson, yea; Owens, nay; Gossman, nay; Dirkschneider, yea; Davis, nay; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

11. Discussion and possible action and presentation by Millie Vance to hire a Grant Writer to be paid from the Professional Services account in General Government Department. ****

Millie Vance addressed the council on what all she would do for the city to help the city receive grant money. She explained that there are many steps that must be done before you apply for a grant and there is a point system and the first thing she would do is to prepare paperwork so that the city could earn some points this year. She said that she will only apply for grants that she feels the city has a good chance in getting and the city will pay her only on grants that they receive and that rate would be 8% of the grant money. She also told the council that she administers the grant through completion. The Mayor stated that he would like for the council to approve hiring Ms. Vance and for her to do all three of the work orders that she has prepared.

Motion by Owens, second by Johnson to approve hiring Millie Vance and have her do the work as laid out in the three work orders. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 7 was heard after item 11.

Item 12 was heard after item 10.

12. Discussion and possible action on weather to outright purchase or lease purchase the new 2010 police unit, the appropriation of \$8,000 was made for the first year's lease payment in the Public Safety Tax Fund, if you decide to purchase it outright the cost will be just under \$23,000 and an additional appropriation will be needed.

Chief Patty told the council that if they leased the vehicle it would cost them \$1,950 in interest. He was asked if it was under state contract and he told them it was.

Motion by Owens, second by Dirkschneider to approve the lease. Poll vote: Johnson, nay; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

13. Discussion and possible action on replacing the wrecked unit #0619 with a used 2007 unit from Kansas in the amount of \$12,950, approval of appropriation from CIP or Public Safety Tax Fund. ****

Chief Patty told the council that insurance would be reimbursing the city \$11,000 and the money would be placed back in the fund.

Motion by Gossman, second by Dirkschneider to approve the purchase and appropriate the funds from the Public Safety Tax Fund. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

14. Discussion and possible action on a Resolution casting the city's vote for a Trustee At-Large for the OMRF Board of Trustees for Cathy Keller. ****

Motion by Olson, second by Dirkschneider to approve Resolution #449 casting the city's vote for Cathy Keller. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

15. Discussion and possible action on accepting and awarding the bid for the Digital Logger.

Chief Patty stated that four vendors received the bid documents and only one vendor turned in bids. That vendor turned in two bids one for an Eventide system, which is the type the city has had and is the one that Chief Patty would like for the council to approve. He said that the other one is a new company and he would not want to be a guinea pig. He said the Eventide is within the appropriation amount.

Motion by Owens, second by Portwood to accept the bids and award the bid to Travis for an Eventide system. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

16. Discussion and possible action on funding fire hydrants to be placed by OKC Water in the NW section of Ward I, approval of appropriation of funds from the Public Safety Tax Fund.

Chief Carter told the council that he had been told that OKC was going to be replacing water lines in the NW section of Warr Acres and he would like to see more fire hydrants placed in that area. He said that he believes that NFPA regulations require a hydrant every 500 feet, however some believe it is in a 500 feet radius. He told the council that he would like for there to be an additional 7 hydrants at a cost of approximately \$2,600 per hydrant. The council was told that this is a golden opportunity and OKC has said that they will include them in their project if Warr Acres will pay for them. Councilman Owens asked if there was an

obligation for OKC to put them in and pay for them since it is their water lines. He was told that they were not and they would not pay.

Motion by Owens, second by Johnson to authorize the Chief to take the necessary steps to work out an agreement with OKC to install 7 hydrants. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

17. Initial discussion, review and possible action of standards for Construction Site Runoff and Post Construction Site Runoff to be included by reference into the Storm Water Drainage Resolution as required by state and federal mandates. ****

Councilman Owens asked if this is what the city needs to be compliant. He was told that it is and that these are for the council's review. They were taken straight from OKC's and some of OKC's were not used because they did not apply. Engineer Barrett asked the council to look over them get back with him on any questions and they would be on next month for approval.

18. Initial discussion and possible action on an Ordinance establishing the requirements and enforcement of a storm water drainage to meet federal and state mandates. ****

Attorney Jernigan stated that they took OKC's because theirs is already approved by the Federal Government and that is what all the other city's are using to write their Ordinance. He would like for everyone to look over it, get back with him on any changes and it will be on next month for approval.

19. A. Discussion and possible action on an Ordinance amending 2.24.360 Court Cost. ****

Motion by Owens, second by Olson to approve the Ordinance #1075. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Owens, second by Portwood to approve the emergency clause. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

20. Questions and Comments from Councilmembers.

Vice-Mayor Olson told everyone that there was an article in the paper about the lone property being opened in September.

Councilman Gossman asked about using charcoal filters in the manholes. PWD Turman stated that the 42 manhole is one that they are rehabilitating and then they will seal so they want to see how that is going to work out first. Councilman Gossman asked what the law was on closing off manholes. Engineer Barrett stated that it was alright you just would not want to close them all off.

Councilman Johnson asked why the dump trucks being used to remove debris from 43rd and MacArthur are driving down 43rd to the west to leave when they are full instead of just getting on MacArthur. Chief Patty stated that he would have an officer go by.

Mayor Woolley thanked everyone for a good meeting and executive session.

Items 21 and 22 were heard after item 3.

21. Discussion on a pending investigation of matters involving Cherokee Crossing Addition and possibly entering into executive session as allowed under 25 O.S. Supp. 307 (B)(4), Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

22. Discussion and possible action concerning possible claims concerning employees benefits through OMRF retirement and possibly entering into executive session as allowed under 25 O.S. Supp. 307 (B)(4), Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Attorney Jernigan recommended entering into executive session on items 21 and 22.

Motion by Owens, second by Dirkschneider to enter into executive session on items 21 and 22 with Margaret Love to stay. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The council entered into executive session at 6:12 p.m.

The council returned to open session at 7:30 p.m.

Motion by Owens, second by Johnson to come out of executive session. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, out during vote; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item 4 was heard after item 22.

23. Any Old or New Business (“New Business” is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”)).

Moot.

24. Adjournment.

Motion by Owens, second by Johnson to adjourn. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

CITY OF WARR ACRES PUBLIC WORKS AUTHORITY MEETING

**TUESDAY
AUGUST 18, 2009
7:00 p.m.**

(Following completion of regularly scheduled City Council meeting)

1. The meeting was called to order at 8:40 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair Nancy Olson
Trustee David Dirkschneider
Trustee Mike Gossman
Trustee Phil Owens
Trustee Dean Johnson
Trustee Christian Portwood
Trustee Doug Davis

ABSENT

Trustee Cathy Maxey

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of July 21, 2009. ****

Motion by Olson, second by Owens to approve the minutes with the Roll Call being added. Poll vote: Johnson, yea; Owens, yea; Gossman, abstain; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed.

Clerk Ramirez told the trustees that the city took a payment holiday and was not required to pay the Bethany Warr Acres Public Works Authority, so the money would stay in the city's Public Works Authority to run the Sewer department.

3. Approval of payment of claims for the Sewer department. ****

Motion by Owens, second by Portwood to approve the payment of sewer claims. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Adjournment.

Motion by Gossman, second by Owens to adjourn. Poll vote: Johnson, yea; Owens, yea; Gossman, yea; Dirkschneider, yea; Davis, yea; Portwood, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk